

(2)
No. 90-1141

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1990

RAFEH-RAFIE ARDESTANI, Petitioner,

v.

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Respondent.

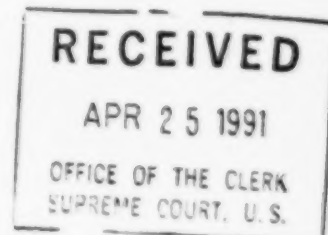
ON WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS FOR
THE ELEVENTH CIRCUIT

MOTION TO DISPENSE WITH FILING OF JOINT APPENDIX

DAVID N. SOLOWAY
Counsel of Record

CAROLYN F. SOLOWAY
Counsel for Petitioner

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COMES NOW, Rafeh-Rafie Ardestani ("Petitioner") and pursuant to Rule 26.7 of the United States Supreme Court Rules, moves to dispense with the filing of the Joint Appendix and shows this Court the following:

1.

On December 3, 1990, Petitioner filed a Petition for Writ of Certiorari in the above-identified case. Included in the Petition was the Opinion and Judgment of the Court of Appeals for the Eleventh Circuit dated July 6, 1990 (Pet. Writ A1), the Denial of Petitioner's Petition for Rehearing and Suggestion of Rehearing En Banc dated September 5, 1990 (Pet. Writ A15); the Opinion and Judgment of the Board of Immigration Appeals dated May 12, 1989 (Pet. Writ A17); and the Opinion and Judgment of the Immigration Court dated January 27, 1989 (Pet. Writ A22).

2.

On March 4, 1991, this Court granted Petitioner's Petition for Writ of Certiorari in the above-identified case.

3.

In a April 24, 1991 telephone discussion between counsel for Petitioner and Respondent, an agreement was reached between counsel that there was nothing in the record, apart from the opinions and judgments from the Courts below (printed in the Appendix of Petitioner's Petition for Writ of Certiorari), that needed to be reprinted in the Joint Appendix to illuminate the issues involved on appeal.


4.

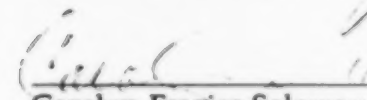
Requiring the production of a Joint Appendix in accordance with Rule 26 of the United States Supreme Court Rules would only duplicate what already has been produced to the Court in the Appendix to Petitioner's Petition for Writ of Certiorari, and would serve

no purpose for the Court or the parties.

WHEREFORE, Petitioner requests that this Court by order dispense with the requirement of a Joint Appendix and permit this case to be heard on the original record from the Eleventh Circuit Court of Appeals and the Appendix contained in Petitioner's Petition for Writ of Certiorari.

Respectfully submitted,


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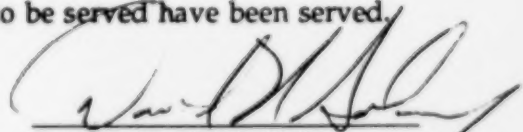
April 24, 1991

CERTIFICATE OF SERVICE

I, David N. Soloway, a member of the Bar of this Court, hereby certify that on this 24th day of April, 1991, three true copies of the foregoing Petition for Writ of Certiorari were mailed, first class postage prepaid, to the following:

Kenneth W. Starr, Esq.
Solicitor General
Department of Justice
Washington, D.C. 20530

I hereby certify that all parties required to be served have been served.


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April 24, 1991

